

## **Western States Peer Exchange Proposed Standards**

### **I. CREATION OF UNIFORM DATA COLLECTION STANDARDS**

*“No person shall be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity”.*

*The intent of Environmental Justice is to*

- *Avoid, minimize, or mitigate disproportionately high and adverse effects on minority and low-income populations, and*
- *Ensure the full and fair participation by all potentially affected communities in the transportation decision-making process.*

- 3.) Define what constitutes a community of concern (COC)
  - Determine threshold criteria for a ‘minority population’ and poverty level.
- 2.) Regionalize or localize your criteria to reflect underlying community fundamentals.
  - Cost of living adjustments (COLA)
  - For modeling purposes, define what constitutes a minority enclave or minority community.
  - Look at what other ‘means-based’ organizations within your area are using to define their threshold, as long as it is ‘as inclusive’ or more inclusive than Health and Human Services (HHS) data.
    - ◆ HHS should be used as a ‘minimum threshold’.
- 3.) Census Data – go down to block group level – need other sources of data to verify community composition/enclaves and behavior patterns to effectively evaluate the effects of a transportation project.
- 4.) GIS Info – including mapping (overlays-minority, low-income, LEP populations locations in relation to transportation project) – visual information is a very effective way to evaluate the impact of transportation planning efforts on communities of concentrations within the project area.
  - If possible, map out ‘communities of concern’ with essential destinations and the road and transit networks.
- 5.) Sources of data to collect:
  - Identify minority community leaders and centers of influence to use as resources for information.
  - Cross-tabulation transportation program (CTTP) – Software made available by FHWA that collects data from other agencies. (We will be verifying this information shortly).

- Ground surveys to locate minority enclaves and communities of concern.
  - HHS data
  - School district data
  - Public Health community workers/agencies
  - Citizen advisory groups/community leaders and activists
  - Community based organizations.
  - Faith-based organizations
  - Immigrant aid organizations
  - State refugee coordinator
  - Foreign language media outlets
  - Ridership data from transit operator
- 6.) Additional data collection issues to consider
- Rural vs. urban populations – determine what qualifies as urban and rural.
  - If applicable, break down by density thresholds by people per square mile.
  - Threshold criteria for determining communities of concern (minority, low-income, LEP) to facilitate effective Title VI & EJ efforts.
  - Determine composition of community to ensure that your efforts are gauged to the appropriate populations.
  - Need to re-evaluate the thresholds and Title VI data periodically (every 2 years) to verify that it is still valid.

Methodology:

- Send out cards at meetings
- Observation by DOT/MPO staff.
- Court reporter collecting public comments, gender and ethnicity at public meetings on projects
- Internet blog – see public participation
- Surveys – brief comments submitted anonymously at public meeting that would also collect gender and ethnicity

Implementation:

- Operational manual – memorialize the methodology for collecting data.
- Make policy – leadership support for data collection.
- Make a part of position requirements or statements – make individuals responsible for collecting data.

## **II. CRITERIA FOR DETERMINING WHAT REASONABLE STEPS TO TAKE TO PROVIDE LEP INDIVIDUALS WITH MEANINGFUL ACCESS TO ITS PROGRAMS, ACTIVITIES AND SERVICES.**

Need to identify populations with limited English proficiency using identified data sources. Ensure most recent data used is no more than 2 years old.

### **1.) Meaningful Access**

- 5% (or 1000 people) of the relevant community for vital documents (Measurement based on Census Block Level) from USDOJ guidance (the Safe Harbor Standard) – either use project level or county data for impacted area
- If the above threshold is not met then these other factors would come into play
  - Number or proportion of people that would be excluded absent efforts to remove the language barriers
  - Consider frequency of contact with LEP individuals
  - Consider available resources to LEP individuals
  - Costs of resources available to LEP individuals
  - Importance of the contact/program, i.e., safety, potential of relocations, size of community impacted, transit vs. auto mode
  - Level of controversy associated to planning effort

### **2.) Vital Documents – Convey information that critically affects the ability of the recipient/customer to make decisions on his or her participation in the program. Depends on the importance of the program or service involved and the consequence to the LEP person if the information is not provided. For the purpose of planning, the notices and other written documents are critical. Validate documents prior to use by testing with community members.**

- Consider literacy levels within community.
- Consider appropriate dialects.

Documents include, but are not limited to:

- Statewide Transportation Improvement, Regional Transportation Improvement Plans, Overall Work Program, etc.
- Consent and complaint forms
- Intake forms with the potential for important consequences
- Notice advising LEP persons of free language assistance
- Public participation minutes
- Written notices of denials, losses or decreases in benefits (i.e., right of way relocations)
- Community outreach notices
- Applications to participate programs, benefits and services

- 3.) Consider other forms of communication such as pictographs, scribes and translators that facilitate participation when needed/appropriate.
  - Non-English ADA relay telephone service for translation services available over the telephone.
- 4.) Outreach – contacting LEP populations to engage them in the planning process is critical. Media directed to those populations include, but are not limited to:
  - Radio (such as Spanish language format)
  - Television
  - Publications directed to particular nationality such as newspaper
  - Websites
  - Tribal publications

Organizations within communities are channels for communication:

- Faith-based organizations
- Healthcare providers/public health agencies
- Schools
- Immigrant aid organizations
- State public assistance/social service agencies
- State refugee coordinators
- Tribal governments
- CBOs
- Local advisory groups to elected officials
- Labor unions, industry groups, business associations

- 5.) Other considerations:
  - Multi-lingual project and program websites
  - Maintain and keep updated a list of qualified translators, again consider dialect used (based on agency and policy directives). Schools and state agencies may be good sources. Also consider using community representatives and state DOT employees.
  - Provide translators and scribes to assist community members with comment cards, surveys, etc.
  - Hold meetings at neighborhood facilities instead of government buildings because governmental buildings can be threatening to foreign-born citizens
  - Provide Title VI & Your Rights information in other languages & disseminate where the public is likely to have access
  - Personal contacts, door-to-door, with community members
  - Remember ADA requirements, i.e., sign language is considered another language
  - Using pictographs to communicate when interpreter not readily available such as flash cards (“I speak...” cards), Manual of

Uniform Traffic Control Devices guidance. LEP.gov is a good source of this type of information.

Measuring Effectiveness:

- Assess levels of participation in the process
- Use feedback opportunities, surveys, feedback cards, complaints and resolutions, questionnaires throughout the process
- Collect data on race, ethnicity, gender on participants in the process
- Use qualified translators/interpreters (need to develop standard for qualified translators) work with other state agencies
- Ensure population composition is updated as needed, such as special census and projections. At least every two years this must be reviewed.
- Continued involvement of community advisory committees/groups, elected officials, etc., when working with LEP populations.
- Document everything you do to report Title VI accomplishments to FHWA and FTA, in compliance with federal assurances!
- Disseminate reporting requirements through annual training sessions with DOT/MPO staff.

### III. TITLE VI & EJ EQUITY ANALYSIS - TYPE OF TRANSPORTATION PLANNING ORGANIZATION – MPO/LOCAL GOVTS

- 1.) Determine what types of transportation to plan for. Identify the benefits and burdens based on transportation modes:
  - highways, roads – safety and maintenance projects tend to be rural planning issues
  - ports -
  - transit -
  - aviation -
  - rail -
- 2.) Population of communities - The composition of the population and to low income households should be considered
  - composition by protected classes and income status
  - thresholds for environmental justice consideration
  - geographic distribution of protected classes and low income households (GIS mapping, for example)
- 3.) How will the beneficiaries benefit from plan?
  - Safety
  - Travel times – auto, transit, etc.
  - Accessibility
  - Expenditures
  - Mobility
- 4.) Analyze burdens: (need to identify sources of data)
  - Air quality – use established standards/limits such as PM-10 and CO that are clearly defined by localized impact vs other types of air pollutions that have wide spread impact
  - Noise – use established standards/limits such as dBs. – increase highway noise by 3 dB
    - Airport noise standard is 65 CNEL; anything greater is inhabitable for residential use, maybe acceptable for industrial use.
  - Water quality –
  - Community health quality -
  - Traffic safety (vehicular and pedestrian) -

Generally, compare % benefit or burden to % population by race and income. For example:

- Air Emissions (PM-10)
  - % pop. by race and income with greater PM-10 over baseline vs. % total pop by race and income.

- % pop. by race and income in top 10 worse-off travel analysis zone (TAZ) for PM-10 vs. % total pop. by race and income.

Should consider impact over time – 25year plan impacts. Cumulative effects of a whole set of projects (not just one project).

#### IV. UNIFORM STANDARDS FOR PUBLIC ENGAGEMENT AND PARTICIPATION PLANS

- 1.) Identify Purpose/Issue for outreach
  - Project/Scope (i.e., planning, EIS, construction)
  - Fact Sheets/Materials (maps and drawings)
- 2.) Community Outreach (prior to the public meeting)
  - Identify Coordinator
  - Planning Committee
    - Roles/Responsibilities
      - 1.) Agenda
      - 2.) Scribe
      - 3.) Action Items
      - 4.) Meeting Minutes
      - 5.) Data Collection (identify the target audience)
    - Research on Cultural history/awareness/sensitivity
    - How many workshops
      - 1.) Done in segments/be careful of overloading the community
    - Appropriate time & day
    - Logistics
      - 1.) Facility, Audio and Visual Coordinator
        - Facility should be easily accessible via transit systems, pedestrian, bicycle, free parking
      - 2.) Refreshments
      - 3.) Child Care if needed
      - 4.) ADA compliant facility (wheelchair accessible...)
    - Speaker Coordinator
    - Meeting Facilitator
    - Community Leader/Facilitator to Assist
  - Reserve Facility within the community
    - NOT a Governmental Office (if possible)
  - Schedule Presentation/Speakers
    - PowerPoint
    - Handouts
    - Be aware of the literacy level (simple language)
    - Etc.
  - Post Presentation Networking
    - Immediate – Onsite – Same Day
    - Continue to meet with the community
  - Displays – Visual Project Information
    - At Beginning and Post



- Welcoming Committee/Registration
    - Sign in sheets to include demographic data
- 3.) Agenda/Program Guide
- Be flexible enough to meet the needs of the community and the overall goal of the meeting purpose
  - Allow for some community brainstorming – within limits related to the project (contact Community Advisory Committee (CAC), Faith-based organizations... )
    - Ask the CAC how to better present the project to the community
- 4.) Invitations/Notifications
- Groups to contact based on demographic information
  - LEP Requirements
    - ADA
    - Language
    - Interpreters, etc. (as appropriate)
  - Advertisement
    - Types
      1. Ethnic media
      2. Flyers to local schools for students to take to parents
    - What to include
      3. Advance requests for ADA accommodations
      4. Free food
      5. Free childcare available
      6. Sponsorship from the contractor/community organization
- 5.) Tracking Outreach Participation
- Gather Attendee Data (sign in sheets)
    - Verify the initial process of gathering data worked – did you really reach the groups that you originally identified
    - Keep a database of attendees
  - Comment Cards
  - Web blog for the public to post comments about projects
  - Survey Attendees
    - Hire community members to conduct surveys (possibly youth within the community)
  - Process Data
    - Evaluate the success of the meeting
- 6.) Follow Up
- Respond to comments/feedback
  - Letters of appreciation/Thank you notes

- Maintain community contact throughout the project and after
- 7.) Reporting Completed Workshops/Outreach
- Create Report
  - Attachments
  - Send report to Community and Civil Rights

Other information in the project specific outreach guide from CalTrans